

REMARKS

This amendment is responsive to the Office Action dated October 16, 2002.

Claim 3 has been amended so as to address the Examiner's objection thereto on page 2 of the outstanding Office Action.

Claims 1, 4-7, 9-24, 27-30, 32-47, 50-53 and 55-69 were rejected under 35 USC §103(a) as being unpatentable over Hartman et al. in view of Amazon.com. Reconsideration and withdrawal of these rejections are respectfully requested, for the following reasons.

Independent claim 1 recites:

"responsive to receiving the first online request, providing a bifurcated order processing route that requests the customer to choose a first order processing route or a second order processing route, the first order processing route causing the first online purchase request to be processed according to an express processing procedure that requires no further input by the customer to execute the first online purchase request, the second order processing route causing the first online purchase request to be placed in a shopping cart that allows one or more additional purchase requests for additional items to be placed therein, the second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping cart to be processed according to the express ordering processing that requires no further input by the customer to execute."

Independent claims 24 and 47 recite the limitation:

"responsive to a first customer input, processing the first online purchase request using an express processing procedure that requires no further input by the customer to execute the online purchase request or as a shopping cart that requires a second customer input;

responsive to the second customer input, processing the customer's shopping cart by the express processing procedure or by a normal checkout procedure"

Neither the Hartman nor the amazon.com reference, whether considered singly or in combination, teach or suggest the claimed inventions. Indeed, the applied combination does not teach or suggest providing the claimed bifurcated order processing route as claimed in claim 1 or

processing a shopping cart by an express processing procedure or by a normal checkout procedure, responsive to a second user input, as claimed in the two remaining independent claims. On page 4 of the outstanding Office Action, the Examiner acknowledges, "Hartman et al. reference does not disclose requesting customers to select an order processing route". It is respectfully submitted that the secondary references (amazon.com, TBTF or Catalog Age articles) do not remedy the acknowledged shortcomings of the primary reference. Indeed, the secondary references do not teach or suggest providing the claimed bifurcated order processing route that includes the first and second claimed order processing routes and do not teach or suggest the above-excerpted limitations of claims 24 and 47, namely, "responsive to the second customer input, processing the customer's shopping cart by the express processing procedure or by a normal checkout procedure."

The Office states that Hartman discloses "that in some models, when a purchaser selects any one item, then that item is "checked out" by automatically prompting the user for the billing and shipment information". However, automatically prompting the user for billing and shipment information does not teach or suggest the claimed invention in any way, either when considered alone or in combination with the teachings of the secondary references discussed in detail below. Indeed, a teaching of prompting the user for additional information does not even suggest a "second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute", as claimed in claim 1 or the selective processing of a shopping cart according to the recited express processing or normal checkout procedure, as claimed in independent claims 24 and 47.

Moreover, even if the amazon.com discloses allowing "customers to make purchases over the internet" and giving customers "a choice to continue shopping or checkout", as noted on page

4 of the outstanding Office Action, such teaching also does not rise to the level of a teaching of the claimed invention, and specifically does not rise to the level of a teaching or suggestion of the claimed bifurcated order processing route that includes the claimed first and second order processing routes, even in combination with the primary reference to Hartman. It is unsurprising that the amazon.com reference teaches that customer can either continue shopping or checkout, as without such functionality, the shopping cart model would simply not work.

THE AMAZON.COM REFERENCE DOES NOT TEACH OR SUGGEST THE CLAIMED BIFURCATED ORDER PROCESSING ROUTE THAT IS ACKNOWLEDGED TO BE MISSING FROM THE HARTMAN REFERENCE.

At the outset, page 17 of amazon.com does not include any section that is entitled "selecting order processing route" or that discusses any selection of any order-processing route, contrary to the Office's assertion on page 4 of the outstanding Office Action.

Pages 2-3 are screen shots of the amazon welcome page as of October 13, 1999. No teaching or suggestion of the above-excerpted claimed subject matter is present therein.

Pages 4-6 is an index of the amazon site and does not contain any material related to ordering and does not teach or suggest the inventions of claims 1, 24 or 47.

Page 7 includes links for "How to Order", "1-Click" and "Your Account" but no teaching or suggestion of any method that requests the customer to choose the first or second claimed order processing routes.

Page 8 is a scrolled-down version of Page 7.

Page 9 is a Guided Tour and includes a "Frequently Asked Questions" section that includes links for "How does the Shopping Cart work?" and "What happens when I am ready to place my order?". No teaching or suggestion of the inventions of claims 1, 24 and 47 is contained therein.

Page 10 of the amazon.com printout continues the Guided Tour and explains the process of

submitting an order. This page explains that hitting the Proceed to Checkout button beings the checkout process. Nothing on this page teaches or suggests the claimed inventions to those of ordinary skill in the art at the time of the inventions. No mention, teaching or suggestion of any bifurcated order-processing route is present on this page.

Page 11 is a duplicate of page 10.

Page 12 is the standard "Sign In" page that invites the customer to provide his or her email address and password or indicate he or she is a new customer. Nothing more is taught or suggested by this page.

Page 13 is the "My Account" page and allows the customer to change or cancel the pending order, print invoices, change account settings, change payment setting and/or e-mail notifications. This page does not, however teach or suggest any first or second order processing routes as claimed herein.

Page 14 is another welcome page, no more relevant to the claimed invention than are pages 2-3.

Page 15 contains links to "Using the Shopping Cart" and "Ordering via 1-Click". However, this page does not teach or suggest the first or second order processing routes as claimed.

Page 16 is a scrolled down version of page 15 and does not contain any teachings relevant to claims 1, 24 or 47.

Page 17. Please see above.

Page 18 is a scrolled down version of page 17 and does not supply any of the missing teaching or suggestions that would lead one of ordinary skill in the art to the invention defined by claims 1, 24 or 47.

Page 19 is a page that explains how amazon.com's 1-Click ordering works. This page also

explains that orders made within 90 minutes of a 1-Click order are consolidated with the 1-Click order. However, no teaching or suggestion of providing a bifurcated order-processing route having the claimed characteristics are present in this page.

Page 20 reviews the steps necessary to review and change 1-Click orders. However, the claimed invention is not 1-Click ordering, but a method in which a bifurcated order-processing route is provided having first and second order processing routes having the functionality defined in claim 1 or the functionality of claims 24 or 47.

Page 21 outlines how items may be added to an existing order, but does not contain any suggestion or teaching of "the second order processing route causing the first online purchase request to be placed in a shopping cart that allows one or more additional purchase requests for additional items to be placed therein, the second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute", as recited in claim 1 and as similarly recited in claims 24 and 47. Indeed, there is not teaching or suggestion of any functionality drawn to affording the customer the opportunity to cause execution of any purchase requests placed in the shopping card to be processed according to the claimed express ordering procedure. Allowing customers to add items to an order does not rise to the level of a teaching or a suggestion of the claimed invention.

Page 22 relates to canceling an order.

Page 23 is a page that presumably appears when a customer attempts to checkout an empty shopping cart.

Page 24 and 25 are the May 10, 2000 amazon.com welcome page and do not contain any teachings relevant to the claimed inventions.

Pages 26-27 are identical to pages 24-25.

Pages 29-29 lists the various deserts and cookies (the baked kind) that are available in amazon.com's "The Sweet Shop". It also lists some featured merchants.

Lastly, page 30 details amazon.com's shipping and return policies.

In summary, the 30-page amazon.com printout does not teach or suggest any of the claim limitations of claims 1, 24 or 47

**THE SECONDARY REFERENCES FAILS TO TEACH OR TO SUGGEST THE CLAIMED INVENTION
AND DO NOT REMEDY THE ACKNOWLEDGED SHORTCOMINGS OF THE PRIMARY REFERENCE**

Turning now to the other references applied against the claims of the present application, the TBTF Log publication for the week of November 28, 1999 cites a WSJ article to the effect that a judge had enjoined Barnesandnoble.cim from using 1-Click ordering. The article also stated that Barnesandnoble.com would accelerate deployment of an "Express Checkout" procedure. However, no further details regarding this "Express Checkout" procedure are disclosed in this document. That this reference refers to procedure called "Express Checkout" does not, in itself, rise to the level of a teaching of the claimed invention. Indeed, the article does not teach or suggest exactly what is Barnesandnoble.com's "Express Checkout" - it is only the name of some checkout procedure that is supposedly an improvement (according to Barnesandnoble.com) over amazon.com's 1-Click. This reference does not say what BN's "Express Checkout" is, does not say how it works, or any functional details thereof. As such, the TBTF article does not more than teach that Barnesandnoble.com were supposedly developing something called "Express Checkout" that was supposedly an improvement over amazon.com's 1-Click procedure. It follows that the TBTF article cannot be relied on for a teaching of requesting customers to select an order-processing route, as claimed. Therefore, combining the TBTF article and the primary reference to amazon.com (which

admittedly does not teach requesting customers to select an order processing route) would not teach or suggest the claimed inventions to those of skill in this art.

The Catalog Age article "Getting Personal Online" is similarly uninformative regarding the claimed inventions. Here also, the article does not teach any thing more than the phrase "express checkout", and does not teach anything substantive, other than the phrase presumably refers to some fast checkout. How that is done, the article does not say. This article does also say that PlanetRx.com's has introduced "MyShoppingList". Using "MyShoppingList", PlanetRx.com's customers can have their products already in a shopping cart when they arrive at the store, so that all they have to do is "go through the express checkout". Again, the phrase "express checkout" is nothing more than terminology that is similar to that used in the claims and does not teach or suggest any of the steps in claims 1, 24 or 47. Notably absent from this article or from the primary reference or from any combination thereof is any teaching or suggestion of the customer choosing "a first order processing route or a second order processing route, the first order processing route causing the first online purchase request to be processed according to an express processing procedure that requires no further input by the customer to execute the first online purchase request, the second order processing route causing the first online purchase request to be placed in a shopping cart that allows one or more additional purchase requests for additional items to be placed therein, the second order processing route affording the customer an opportunity to cause execution of the first and any additional purchase requests placed in the shopping card to be processed according to the express ordering processing that requires no further input by the customer to execute", as claimed. That similar terminology is used both in the claims and a printed publication, absent some teaching or suggestion of the claimed method, is insufficient grounds on which to support a §103(a) rejection of the pending claims.

The same comments also apply to the June 1, 2000 Catalog Age article entitled "Show Websites". Here, the phrase "express checkout" is again used, but nothing in this article tells the reader what, exactly, "express checkout" is. As such, this article also does not remedy the shortcomings of the primary reference and does not teach or suggest the claimed invention.

As the §103 rejections of the independent claims are deemed to have been overcome, it is not believed necessary, at this juncture, to discuss the §103 rejections of dependent claims 3, 26 and 49, as such rejections are believed to be moot.

Applicant's attorney believes that the present application is in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below.

Respectfully submitted,

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MARKED VERSION TO SHOW AMENDMENTS MADE

IN THE CLAIMS:

--3. (Amended) The method of Claim ~~23~~, further including a step of enabling the customer to create a list that includes the first and at least one second item, the list being persistently stored to enable later retrieval and use.--